

### III. Remarks

Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks. After the amendments detailed above, claims 1-41 and 48-51 are pending in the application. Claim 1 has been amended, claims 2-41 have been maintained in their previous form, claims 42-47 have been canceled, and claims 48-51 have been added.

#### *A. Discussion of Amended Independent Claim*

Claim 1 was rejected under 35 USC 103(a) as allegedly being unpatentable over U.S. Patent No. 4,735,526 to Kawagoe in view of U.S. Patent No. 4,471,709 to Chun. The rejection is moot, as claim 1 has been amended. In particular, claim 1 was amended to further define the hull of the jack-up platform as having a “fixed position” and to further describe the mooring lines when the hull is in the fixed position.

The Office Action provides that “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to provide pretensioned mooring lines, as taught by Chun in order to facilitate mooring of a vessel or structure at sea.” *Page 2 of the Office Action*. However, Applicant respectfully submits that it would not be obvious to modify a jack-up platform to include pretensioned mooring lines, especially given the teachings of Kawagoe. In particular, Kawagoe teaches a jack-up drilling rig 10 having cables 38, which are used to position the rig adjacent to a target structure 18 (i.e. to facilitate mooring). *See col. 4, lines 23-27 of Kawagoe*. Each cable 38 includes an anchor 39 secured at an end thereof, and the anchors are lowered to the sea floor upon positioning of the rig adjacent to the target structure 18. *See col. 4, lines 20-27 of Kawagoe*. The rig 10 may then be “moved to a desired direction by adjusting or controlling the length of each cable 38.” *Col. 4, lines 26-27 (emphasis added)*. As such, the cables 38 must necessarily maintain slack to allow for adjustment of the rig to a desired location. Replacing the cables 38 with pretensioned mooring lines would disallow such adjustment, thereby destroying the intended function of the cables according to the teachings of Kawagoe. Therefore, amended claim 1 is patentable over the cited references.

Moreover, there is simply no incentive or motivation for modifying Kawagoe to arrive at the subject matter of amended claim 1. As with other prior art jack-up rigs, Kawagoe's jack-up rig 10 relies on the legs 12 of the rig to support the platform 14 when the platform is raised above a surface of water. *See col. 3, lines 46-52*. In fact, Kawagoe even discloses the importance of the legs 12 in describing that "[t]o support the platform 14 on the sea floor firmly and certainly, it is essential to drive or penetrate the leg 12 so that the footing 16 of the leg contacts with a strong enough soil stratum in the ground beneath the sea floor . . . ." *Col. 7, lines 48-52 (emphasis added)*. Such teachings, absent any other suggestion(s) for additional support, simply follow convention in the jack-up platform art in relying on the legs for support of the jack-up platform when the hull of the platform is positioned above the surface of a body of water. Accordingly, Kawagoe lacks the motivation necessary for modifying the jack-up rig 10 to arrive at an arrangement in which taut mooring lines are used to counteract deflective forces when the hull of the platform is in the fixed position as claimed in amended claim 1. Moreover, Chun fails to disclose the use of pretensioned mooring lines with jack-up platforms, and therefore also fails in supplying the necessary motivation for modifying the jack-up platform of Kawagoe. In this context, the MPEP provides at 2143.01 that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." As such, courts have repeatedly held that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. In this regard, Kawagoe and Chun fail to provide the necessary motivation for arriving at the subject matter of amended claim 1.

For at least the above reasons, amended claim 1 is patentably distinct from the cited prior art. As claims 2-41 depend from and further limit independent claim 1, these claims are now in condition for allowance as well.

***B. New Independent Claim***

New independent claim 48 also patentably defines over the prior art. For example, the prior art does not disclose an arrangement in which taut mooring lines are used with a jack-up platform when a hull of the platform is in the fixed position as claimed in new claim 48.

Accordingly, Applicant respectfully submits that claim 48 is also in condition for allowance. As claims 49-51 depend from and further limit independent claim 48, these claims are now in condition for allowance as well.

**C. Conclusion**

A check in the amount of \$946 is enclosed to accommodate the fees for a three-month extension of time, filing of the RCE, and the additional claims. If any additional fees are required to complete this filing, the Commissioner is authorized to charge those fees, or credit any overpayment, to Account No. 13-0480, Attorney Docket No. 35002813.000016.

If the Examiner has any questions regarding this Amendment and Response to Final Office Action or the Application in general, Examiner is invited to contact the Applicants' attorney at the below-listed telephone number.

Respectfully submitted,



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